

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, JANUARY 9, 2014**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman  
Chaney, Mike; Commissioner, MS Insurance Department  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance Department  
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood

Also present were:

Burkhalter, Chris; Bickerstaff, Whatley, Ryan & Burkhalter  
Donaldson, Bruce; Tort Claims Board  
Goode, Mark; Willis of North Carolina, Inc.  
Hilton, Sherri; Department of Finance & Administration  
Hopson, Senator Briggs; Senate  
Jackson, Laura; Cannon Cochran Management Services, Inc.  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Milner, Steve; Tort Claims Board  
Scott, Leslie; MS Association of Supervisors  
Thames, Lee; MS Insurance Department  
Wells, Teresa; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Lanford to approve the minutes of the November 14, 2013, meeting. Mrs. Jackson seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy presented a recommendation for legislation to amend 11-46-9(1) and 11-46-9(1)(d) resulting from the Supreme Court decision in the case of Floyd K. Little, Estate of Roger D. Pierce and Kelly Sykes v. Mississippi Department of Transportation. Following discussion, Commissioner Chaney made a motion that Senator Hopson work with Mr. Lanford and Mrs. McElroy and proceed with drafting legislation. Mr. Lanford seconded the motion, which passed unanimously.

Also under Old Business, the Chairman offered belated birthday wishes to Commissioner Chaney on the occasion of his 70<sup>th</sup> birthday.

Under New Business and for information purposes only, Mrs. McElroy provided Board members a summary of 2014 legislation affecting the Mississippi Tort Claims Act. She will continue to update the Board throughout the Legislative Session.

Also under New Business, Leslie Scott with the Mississippi Association of Supervisors (MAS) and Mark Goode with Willis of North Carolina, Inc. were present to discuss their proposal for a Self-Insured Liability Trust. Mr. Goode made a brief presentation reviewing coverages, expected participation, and funding. At the conclusion of Mr. Goode's comments, Commissioner Chaney made a motion that the Board enter Closed Session. Mr. Lanford seconded the motion for the sake of discussing the issue of Executive Session. The meeting room was cleared. Following a review of Miss. Code Ann. § 25-41-7, Commissioner Chaney made a motion to exit Closed Session. Mr. Lanford seconded the motion, and those in attendance returned to the meeting. As the actuary for the Board, Chris Burkhalter reviewed the MAS proposal and presented a summary of his findings and recommendations: (1) any approval should be tentative pending submission of a list of participating members, exposure and premium actuals, a finalized contract for excess insurance coverage, as well as copies of signed member agreements detailing joint-and-several liability; (2) MAS should submit quarterly loss runs for the first year of the program; and (3) annually, in accordance with the MS Tort Claims Act, MAS will submit an actuarial report for the trust, audited financial statements, details of any insurance purchased, and new rate analysis if the Board deems necessary. Mr. Lanford moved for approval of the program subject to Mr. Burkhalter's stipulations and the MS Insurance Department's approval of the Trust's third party administrator for the property program per Miss. Code Ann. § 19-7-7. Mrs. Jackson seconded the motion, which passed unanimously.

Mr. Logan presented the financial report for fiscal year 2014 through December 31, 2013. The Cash Flow Analysis details total assessments received of \$3.25 million (approximately \$850,000 shy of total billed) and total revenue through December of \$4.34 million. Expenditures total \$3.0 million, including claim payments of \$1,042,309 and legal expenses of \$397,431. Total funds of just under \$15 million breakdown by account with \$2.42 million in the Treasury, \$226,933 in the Trustmark TPA account, and \$12.3 million in investments. Mr. Logan advised that the fund has \$7.02 million in reserves. The average claim paid was \$2,612 with an average reserve of \$9,218. Mr. Logan then reviewed the Budget Comparison by category for fiscal year 2014 noting that we were operating well within the constraints of our budget.

Mr. Jeff Wilson reviewed the portfolio highlights through December 2013, noting not much change since our last meeting. The portfolio has earned just under 2.0% for the calendar year. The current yield is a touch over 2.25% and should remain stable.

Mr. Milner was unable to attend the meeting but provided members a report of his Loss Control activities since the last Board meeting.

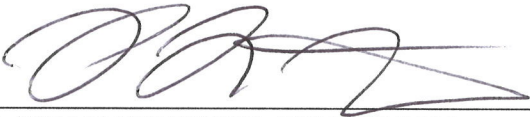
Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Frank F. Farmer of Frank F. Farmer, PLLC. Mr. Farmer does meet the eligibility requirements

of the Board and staff recommends approval. Mr. Lanford moved to approve and Mrs. Jackson seconded. The motion passed unanimously.



Mrs. McElroy presented a list of 59 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Lanford made a motion to approve the list and Mrs. Kelsey seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.



P. RYAN BECKETT, CHAIRMAN



MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER



ALBERT SANTA CRUZ, BOARD MEMBER



  
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KEVIN J. UPCHURCH, BOARD MEMBER

**Mississippi Tort Claims Board**  
**Thursday, January 9, 2014 – 1:30 P.M.**

**AGENDA**

- I.** Approval of Minutes
  - A. November 14, 2013
- II.** Old Business
  - A. Legislation resulting from Supreme Court decision
- III.** New Business
  - A. Legislation
  - B. Mississippi Association of Supervisors Self-Insured Liability Trust
- IV.** Financial Reports
  - A. Financial Report – Jim Logan
  - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General's Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Bruce Donaldson
- IX.** Adjournment

**Next meeting date and time: March 20, 2014 – 1:30 P.M.**  
**Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS**

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, NOVEMBER 14, 2013**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance  
Department  
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Milner, Steve; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the September 12, 2013, meeting as amended. Mr. Lanford seconded the motion, which passed unanimously.

There was no Old Business.

Under New Business, Board members reviewed the meeting dates for 2014. The March meeting date was changed to March 20<sup>th</sup> to avoid a conflict with Spring Break.

Mr. Logan presented the financial report for fiscal year 2014 through October 31, 2013. The Cash Flow Analysis details total revenue through October of \$3.95 million, which includes approximately 75% of the total assessment. Expenditures total \$2.2 million, including claim payments of \$790,105 and legal expenses of \$277,736. Funds by account breakdown with \$2.83 million in the Treasury, \$232,102 in the Trustmark TPA account, and \$12.3 million in investments. Mr. Logan advised that the fund has \$5.7 million reserves, and \$9.6 million unencumbered cash. The average claim paid was \$2,651 with an average reserve of \$7,111. Mr. Logan then reviewed the Budget Comparison by category for fiscal year 2014.

Mr. Jeff Wilson reviewed the portfolio highlights through October 2013. Rate of return for the total portfolio of \$12.5 million is 1.53% for the calendar year and will end the calendar year just under 2.0%. The yield is just over 2.25% and he does expect to earn approximately \$240,000 in interest for the calendar year.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting. He also shared the success of a third-straight year with no claims against the State for the State Fair, even with record attendance.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 343 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Mr. Lanford seconded the motion, which passed by unanimous vote.

Lastly, Mr. Donaldson shared the Supreme Court decision in the case of *Floyd K. Little, Estate of Roger D. Pierce and Kelly Sykes v. Mississippi Department of Transportation* as well as his thoughts as to the implications of the decision. Staff has directed our defense attorney, Trace McRaney, to request reconsideration. The Department of Transportation has drafted legislation to amend Mississippi Code Section 65-1-65, and will push this during the upcoming legislative session. Likewise, we may wish to amend 11-46-9(d) including the term "acts" along with discretionary function or duty. Board members discussed the decision, the possible financial impact, and the possibility of legislation. Staff will continue to watch the financial impact of this decision, and we will most likely discuss this further in January, 2014.

There being no further business to come before the Board, the meeting was adjourned.



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P. RYAN BECKETT, CHAIRMAN



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MIKE CHANEY, BOARD MEMBER

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TRUDY FISHER, BOARD MEMBER

*Laura Jackson, Deputy*  
LYNN FITCH, BOARD MEMBER

*Jim Hood*  
JIM HOOD, BOARD MEMBER

*Albert Santa Cruz*  
ALBERT SANTA CRUZ, BOARD MEMBER  
*by James W. Gaff, Jr.*

KEVIN J. UPCHURCH, BOARD MEMBER





**STATE OF MISSISSIPPI**  
GOVERNOR PHIL BRYANT

**MISSISSIPPI TORT CLAIMS BOARD**  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
TRUDY FISHER, Executive Director  
Department of Environmental Quality  
LYNN FITCH, Treasurer  
Department of Treasury

JIM HOOD, Attorney General  
Office of Attorney General  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

**MEMORANDUM**

**TO:** MS Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** January 9, 2014  
**RE:** Legislation Recommendation

**RECOMMENDATION:** In response to the Supreme Court decision in the case of Floyd K. Little, Estate of Roger D. Pierce and Kelly Sykes v. Mississippi Department of Transportation, staff recommends drafting legislation to amend the Mississippi Tort Claims Act as follows:

**§11-46-9(1)**

If any one of the following apply, A governmental entity and its employees acting within the course and scope of their employment or duties shall not be liable for any claim:

**§11-46-9(1)(d)**

Based upon the exercise or performance or the failure to exercise or perform a discretionary act, function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused;

**Tort Claims Act Legislation Summary**  
2014 Legislative Session

| <b>Bill No.</b> | <b>Introduced By</b> | <b>Action</b>          | <b>MTCA Reference</b> | <b>Description</b>  | <b>Notes</b>   |
|-----------------|----------------------|------------------------|-----------------------|---|--|
| HB3             | Chism                | Referred to Jud A (1/) | 11-46-1(f)(iii)       | Revises the new section to include any employee or member of the Mississippi Charter Schools Authorizer Board | 11-46-1(f)(iii) was created last Session with the passage of the MS Charter Schools Act. It added "any employee or member of the governing board of a charter school" (not independent contractors) to the definition of employee. |
|                 |                      |                        |                       |   |  |

**BICKERSTAFF, WHATLEY,  
RYAN & BURKHALTER**  
**CONSULTING ACTUARIES**

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F.C.A.S., M.A.A.A.

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(601) 605-2006  
FAX (601) 427-1504

**To:** Lea Ann McElroy  
Mississippi Tort Claims Board

**From:** Chris Burkhalter

**Date:** January 9, 2014

**Re:** MAS P&C Trust

I have completed a review of the submitted documents and analyses in support of the formation of the liability segment of the Mississippi Association of Supervisors Property & Casualty Trust. The following represents a summary of my observations and recommendations.

**Summary & Recommendations**

1. The actuarial analysis, while not complete in documentation, appears to be based on generally-accepted actuarial techniques, and the selected actuarial parameters appear to be generally reasonable.
2. Willis states that actual participation in the group will not be known until the group is approved. This introduces greater uncertainty into the actuarial projections, as it will not be known what the actual projected loss levels will be. It is our recommendation that the administrators of the Trust be required to submit to the Board a complete list off all participating members and their exposure and premium.
3. The pro-forma statements submitted by Willis utilize conservatively-estimated loss rates, which will be necessary for the initial stages of a self-insured group.
4. The aggregate excess insurance terms have not been finalized. It is our recommendation that any approval of the group is issued under the condition that the aggregate excess insurance contract is submitted and affirmatively-approved by the management of the Tort Claims Board.
5. Members of the group will be required to sign statements of understanding concerning their joint-and-several liability in the group. It is our recommendation that the Tort Claims Board require the group administrator to submit copies of each such member statement to the Board.

6. It is our recommendation that any approval of the plan by the Tort Claims Board should be issued with the explicit stipulation that annual audited financial statements and actuarial reserve analyses be submitted to the Board no later than six months following the end of the fiscal year, and a further stipulation that the Board reserves the right to require actuarial rate analyses as it deems appropriate. Additionally, the administrators of the Trust should be required to submit to the Board a detailed claim listing at the end of each quarter.

Please let me know if you have any questions concerning these observations.





# **MISSISSIPPI ASSOCIATION OF SUPERVISORS**

**PROPERTY & CASUALTY POOL APPROVAL SUBMISSION TO:**

**MS TORTS CLAIMS BOARD**

**Richard Moxley, CLC**

**Vice President**

**Willis Public Entity Group**

**[richard.moxley@willis.com](mailto:richard.moxley@willis.com)**

**843-416-1037 (office)**

**704-995-7729 (mobile)**

**Willis**



# ***Coverages To Be Offered In The MAS P&C Trust***

- General Liability
- Public Official Liability (Including Employment Practices)
- Automobile Liability & Physical Damage
- Law Enforcement Liability
- Property-Building & Contents
- Boiler & Machinery
- Builders Risk
- Crime / Fidelity Bonds
- Other Coverage As Needed

# ***MAS Property & Casualty Pool Service Providers***

- Claims will be handled by Third Party Administrator to be determined (deciding between CCMSI and AS&G)
- Actuary services provide by AON
- Pooling brokerage, underwriting and administrative services provide by Willis North America
- MAS will work with retail insurance agents for distribution to counties

# MAS Liability Reinsurance Program Design



- Pool will retain each claim up to \$100,000 at which point reinsurer picks up claims.
- All retained losses up to \$100,000 apply to Aggregate. Once Aggregate is eroded Reinsurer will pay next \$1m in claims ground up.
- Base deductible for LEL & POL will be \$10,000, member can request higher
- No deductible for GL or AL unless member requests



# MAS Property & Casualty Insurance Trust

## Liability Pro Forma

2014-15

| Exposure Summary                    |               |              | Major Assumptions:                  |  |
|-------------------------------------|---------------|--------------|-------------------------------------|--|
| Members                             | 45            |              | Casualty SIR \$100k                 |  |
| Employee Count                      | 10,215        |              | Property SIR \$100k                 |  |
| Population                          | 1,866,791     |              | Fund to 90% or Aggregate Stop loss  |  |
| TV                                  | 1,278,591,126 |              | Aggregate loss fund of \$1m or more |  |
| Vehicles                            | 5,675         |              |                                     |  |
| Gross Premiums                      |               |              |                                     |  |
| GL, LEL, POL                        | \$500.00      | Per employee |                                     |  |
| AL                                  | \$800.00      | Per Auto     |                                     |  |
| Total Premiums                      |               |              |                                     |  |
| Retained Losses                     |               |              |                                     |  |
| AL                                  | \$265.00      | per unit     |                                     |  |
| GL, LEL, POL                        | \$287.00      | Per Employee |                                     |  |
| APD                                 | \$116.00      | per unit     |                                     |  |
| Total Retained Losses               |               |              |                                     |  |
| Reinsurance                         |               |              |                                     |  |
| GL, LEL, POL                        | \$125.00      | per FTE      |                                     |  |
| AL                                  | \$150.00      | per unit     |                                     |  |
| APD                                 | \$50          | per unit     |                                     |  |
| Total                               |               |              |                                     |  |
| Operating Costs                     |               |              |                                     |  |
| Actuary                             |               |              |                                     |  |
| Agent Commission                    |               |              |                                     |  |
| Underwriting & Administration       |               |              |                                     |  |
| Association Fees                    |               |              |                                     |  |
| Claims Admin                        |               |              |                                     |  |
| Total                               |               |              |                                     |  |
| Total Operating Costs & Reinsurance |               |              |                                     |  |
| Net Underwriting Profit / Loss      |               |              |                                     |  |
| Investment Income                   |               |              |                                     |  |
| Net Surplus Change                  |               |              |                                     |  |

**MISSISSIPPI TORT CLAIMS BOARD**  
**Combined Financial Report - Fiscal Year 2014**  
**Fund 3080**

**-----CASH FLOW ANALYSIS-----**

|                                     | November                | December                | Year-To-Date           |
|-------------------------------------|-------------------------|-------------------------|------------------------|
| <b>REVENUE:</b>                     |                         |                         |                        |
| Assessments Received                | 68,110.32               | 16,272.29               | 3,248,995.69           |
| Interest                            | 2,392.81                | 1,730.29                | 7,225.98               |
| Investment Interest                 | 29,769.96               | 12,402.91               | 122,148.98             |
| Workers Comp Service Fees           | 0.00                    | 0.00                    | 7,181.07               |
| Transfer In Funds                   | 250,000.00              | 0.00                    | 950,000.00             |
| <b>Total Revenue</b>                | <b>\$ 350,273.09</b>    | <b>\$ 30,405.49</b>     | <b>\$ 4,335,551.72</b> |
| <b>EXPENSES:</b>                    |                         |                         |                        |
| Claim Losses - TCB and TPA          | 168,214.17              | 83,989.59               | 1,042,309.11           |
| Legal Expenses - TCB and TPA        | 87,695.81               | 31,999.48               | 397,430.94             |
| Other Expenses - TCB and TPA        | 743.00                  | 2,217.76                | 10,088.15              |
| Administrative Expenses Paid        | 54,776.23               | 116,828.66              | 603,102.68             |
| Transfer of Funds - Out             | 250,000.00              | 0.00                    | 950,000.00             |
| <b>Total Expenses</b>               | <b>\$ 561,429.21</b>    | <b>\$ 235,035.49</b>    | <b>\$ 3,002,930.88</b> |
| <b>FUNDS ON HAND:</b>               |                         |                         |                        |
| Beginning Balance                   | \$ 15,403,511.47        | \$ 15,192,355.35        |                        |
| Revenue                             | 350,273.09              | 30,405.49               |                        |
| Expenses                            | (561,429.21)            | (235,035.49)            |                        |
| Adjustments                         | 0.00                    | 0.00                    |                        |
| <b>Total Funds</b>                  | <b>\$ 15,192,355.35</b> | <b>\$ 14,987,725.35</b> |                        |
| Cash in Treasury                    | \$ 2,539,805.86         | \$ 2,421,382.28         |                        |
| Investment in Treasury              | \$ 12,339,410.00        | \$ 12,339,410.00        |                        |
| TPA Trustmark Bank Balance          | 313,139.49              | 226,933.07              |                        |
| <b>Total Funds By Account</b>       | <b>\$ 15,192,355.35</b> | <b>\$ 14,987,725.35</b> |                        |
| Less Reserves                       | <b>\$ 6,933,701.84</b>  | <b>\$ 7,015,112.08</b>  |                        |
| <b>Unencumbered Funds Available</b> | <b>\$ 8,258,653.51</b>  | <b>\$ 7,972,613.27</b>  |                        |

**-----CLAIMS/RESERVES DETAIL (Year-To-Date)----**

|                                      | Tort Board           | Mgt. Services          | TOTAL                  |
|--------------------------------------|----------------------|------------------------|------------------------|
| Claims - Payments                    | \$ 32,753.97         | \$ 1,009,555.14        | \$ 1,042,309.11        |
| Claims - Legal Expenses              | 397,430.94           | -                      | 397,430.94             |
| Claims - Other Expenses              | 215.00               | 9,873.15               | 10,088.15              |
| <b>Total Paid Out to Date</b>        | <b>\$ 430,399.91</b> | <b>\$ 1,019,428.29</b> | <b>\$ 1,449,828.20</b> |
| <b>OUTSTANDING RESERVES</b>          | 125,402.96           | 6,889,709.12           | 7,015,112.08           |
| <b>Total Claims &amp; Reserves</b>   | <b>\$ 555,802.87</b> | <b>\$ 7,909,137.41</b> | <b>\$ 8,464,940.28</b> |
| Number of Claims Created             | 72                   | 480                    | 552                    |
| Number of Claims Paid                | 61                   | 338                    | 399                    |
| Total Open Claims                    | 26                   | 735                    | 761                    |
| <b>AVG. CLAIM \$ / # CLAIMS PAID</b> | <b>\$536.95</b>      | <b>\$2,986.85</b>      | <b>\$ 2,612.30</b>     |
| <b>AVG. RESERVE / OPEN CLAIMS</b>    | <b>\$4,823.19</b>    | <b>\$9,373.75</b>      | <b>\$ 9,218.28</b>     |

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

# MISSISSIPPI TORT CLAIMS BOARD

## Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2014

| Expenses:             | Total Budget                  | November<br>2013            | December<br>2013            | Year To Date<br>Expenditures  | Ending<br>Balance             | Percent<br>Expended  |
|-----------------------|-------------------------------|-----------------------------|-----------------------------|-------------------------------|-------------------------------|----------------------|
| A1-Salaries           | \$ 530,756.00                 | \$ 38,488.91                | \$ 38,475.45                | \$ 245,319.11                 | \$ 285,436.89                 | 46.22%               |
| A2-Travel             | 10,000.00                     | 0.00                        | 0.00                        | 639.74                        | 9,360.26                      | 6.40%                |
| B-Contractual         | 4,710,264.00                  | 103,603.55                  | 109,992.55                  | 752,756.55                    | 3,957,507.45                  | 15.98%               |
| C-Commodities         | 8,300.00                      | 361.83                      | 345.24                      | 1,952.07                      | 6,347.93                      | 23.52%               |
| D2-Capital Outlay     | 3,500.00                      | 0.00                        | 0.00                        | 0.00                          | 3,500.00                      | 0.00%                |
| E-Subsidies           | 3,996,330.00                  | 250,000.00                  | 0.00                        | 982,753.97                    | 3,013,576.03                  | 24.59%               |
| <b>SUBTOTAL</b>       | <b><u>\$ 9,259,150.00</u></b> | <b><u>\$ 392,454.29</u></b> | <b><u>\$ 148,813.24</u></b> | <b><u>\$ 1,983,421.44</u></b> | <b><u>\$ 7,275,728.56</u></b> | <b><u>21.42%</u></b> |
| TPA Expended          |                               | <u>168,974.92</u>           | <u>86,222.25</u>            | <u>1,019,509.44</u>           |                               |                      |
| <b>TOTAL Expended</b> |                               | <b><u>\$ 561,429.21</u></b> | <b><u>\$ 235,035.49</u></b> | <b><u>\$ 3,002,930.88</u></b> |                               |                      |

# **TRINITY**

TRINITY CAPITAL INVESTORS

January 2, 2014

Mr. Jim Logan  
Mississippi Tort Claims Board  
P O Box 267  
Jackson, MS 39205-0267

Re: December 2013 Portfolio Highlights

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|                                      |               |                         |
|--------------------------------------|---------------|-------------------------|
| Total Portfolio                      |               | \$12,569,337 + accrued  |
|                                      |               |                         |
| Calendar YTD Internal Rate of Return |               | 1.90%                   |
| Current Portfolio Yield              |               | 2.27%                   |
|                                      |               |                         |
| Weighted Average Life                |               | Approximately 3.1 years |
|                                      |               |                         |
| YTD Interest Earned                  | Calendar year | 237981                  |
| Accrued Interest                     |               | 35508                   |

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1675 Lakeland Drive Suite 400 Jackson, MS 39216  
Telephone 601-956-3511  
Fax 601-956-3513

Security Inventory  
Booking Report  
December 2013  
**MISSISSIPPI TORT CLAIMS FUND**

| Security<br>Group | Type       | Par<br>Value | Book Value/<br>Cost |
|-------------------|------------|--------------|---------------------|
| AGEN              | FNMA       | 875,000      | 882,275.00          |
|                   | AID        | 250,000      | 268,427.50          |
|                   | FHLB       | 4,155,000    | 4,183,050.00        |
|                   | FHLMC      | 1,000,000    | 1,001,960.00        |
| CMO               | GNMA       | 4,712,998    | 4,224,746.75        |
|                   | GN ARM     | 708,736      | 297,255.62          |
|                   | GN FLOATER | 474,564      | 151,740.94          |
|                   | FHR        | 1,287,078    | 1,090,740.11        |
|                   | FNR        | 353,134      | 329,828.15          |
| INTEREST          |            |              | 12,402.91           |
| CASH              |            |              | 139,312.71          |
|                   |            |              | 12,569,336.78       |

Transfer:

**Trinity Capital Investors**



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
TRUDY FISHER, Executive Director  
Department of Environmental Quality  
LYNN FITCH, Treasurer  
Department of Treasury

JIM HOOD, Attorney General  
Office of Attorney General  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Steve Milner  
**DATE:** January 9, 2014  
**RE:** Loss Control Report

Since the last Board Meeting, loss control and risk management services for both the Tort Claims Board and the State Agencies Self Insured Workers' Compensation Trust have included:

- 2 Defensive Driving classes
- 11 State Property Inspections
- 8 Ergonomic Assessments
- 8 State Property Construction Inspections
- 2 Emergency Responses
- 7 Accident Investigations
- 1 Office Safety Class
- 1 Safety Meeting



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GOVERNOR PHIL BRYANT

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ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

**MEMORANDUM**

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** January 9, 2014  
**RE:** Additions to Defense Attorney List

**RECOMMENDATION:** Staff recommends approval of (1) attorney for inclusion on Defense Attorney List

Honorable Frank F. Farmer  
Frank F. Farmer, PLLC  
Post Office Box 4878  
Jackson, Mississippi 39296-4878

# FRANK F. FARMER, PLLC

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FRANK F. FARMER

ESQUIRE

Mr. Bruce Donaldson  
Claims Manager  
Mississippi Tort Claims Board  
Department of Finance and Administration  
Post Office Box 267  
Jackson, MS 39201

November 14, 2013

Dear Bruce,

The purpose of this letter is to let you know that I would like to add my name to the list of approved lawyers who represent Mississippi and its political subdivisions in claims filed that the Mississippi Tort Claims Board receives. After over a decade of defending insurance defense claims and Tort Claims Act litigation, I decided to form my own firm and I am confident that I have the experience necessary to vigorously represent the interests of the State of Mississippi and its political subdivisions. My new firm is:

**Frank F. Farmer, PLLC**  
P.O. Box 4878  
Jackson, MS 39296-4878  
601.613.3769  
[frank@frankffarmerpllc.com](mailto:frank@frankffarmerpllc.com).

As you may know, long before we crossed paths in the *Page v. MDHS* and *Fonseca v. MDH* cases, I successfully handled a great number of very large and complex claims filed pursuant to the Mississippi Tort Claims Act. Most of those claims arose from medical negligence cases (community hospitals, nursing homes, etc.) and my former firm (Currie Johnson Griffin Gaines & Myers, PA) was hired via contracts with insurance carriers such as Medical Assurance Company of Mississippi or directly by the University of Mississippi Medical Center through its risk management department. However, I am certainly not limited to handling medical negligence matters and would welcome all types of litigation!

I would love to sit down with you in the coming days to discuss the Mississippi Tort Claims Boards' current legal needs. Please give me a call at the number below so that we can figure out a time to meet. Until then, I remain . . .

Sincerely yours,



Frank F. Farmer

w/encl.

POST OFFICE BOX 4878  
JACKSON, MISSISSIPPI 39296-4878  
[FRANK@FRANKFFARMERPLLC.COM](mailto:FRANK@FRANKFFARMERPLLC.COM)  
601.613.3769



# Frank Ford Farmer, Esquire

Post Office Box 4878  
Jackson, MS 39296-4878

(601) 613-3769  
frank@frankffarmerpllc.com

## Education

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### **Mississippi College School of Law, Jackson, MS**

Juris Doctorate, May 2001; Admitted to Mississippi Bar, September 2001

- Moot Court Board Member – Placed 2nd Overall in the 1999 Mississippi College Moot Court Competition
- Moot Court Board Clerk, 2000 - 2001
- Member of 2nd place team at the August A. Rendigs, Jr. National Products Liability Moot Court Competition at the University of Cincinnati, March 2000
- Delta Theta Phi Legal Honor Fraternity – Served as a  $\Delta\Theta\Phi$  Representative on the Mississippi College School of Law Habitat for Humanity Project Steering Committee

### **Rhodes College, Memphis, TN**

Bachelor of Arts in Political Science, December 1997

- Mock Trial Team, 1996 – 1997
- Sigma Alpha Epsilon Fraternity, President, Spring – Fall 1997
- Rhodes College Interfraternity Council, President, Spring – Fall 1996
- British Studies at Oxford, England (St. John's College, Oxford University), Summer 1996

## Legal Experience

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### **Founding Member (November 2013 – Present)**

#### **Frank F. Farmer, PLLC, Jackson, MS**

After over a decade of handling every aspect of litigation (including appeals) in larger firms in the Jackson, Mississippi area, I formed my own, independent firm in order to represent the interests of all who seek justice, freedom and peace in civil and criminal matters before state and federal courts throughout the State of Mississippi.

### **Attorney (September 2012 – October 2013)**

#### **Jeffery P. Reynolds, PA, Jackson, MS**

Managed a wide variety of cases in every stage of litigation, including, but not limited to, corporate collections work, Mississippi Tort Claims Act cases and environmental/toxic tort matters. Maintained an active *pro bono* practice.

### **Pro Bono Counsel (January 2011 – June 2012)**

#### **Mississippi Center for Justice, Jackson, MS**

Managed nationwide *pro bono* lawyer recruitment and case development with particular emphasis on major multinational law firms and regional firms. Developed case strategies and campaign development strategies with other management staff. Recruited and

maintained relationships with law schools nationwide by developing and implementing internship and externship programming. Maintained and expanded development strategies for financial support from numerous multinational law firms.

**Team Leader Attorney & Trainer (December 2009 – December 2010)**

**Staff Attorney & Trainer (October 2009 – December 2009)**

**Young Williams, PC, Ridgeland, MS**

Managed a team of four lawyers and five paralegals charged with pursuing well over 1,000 child support and paternity cases on behalf of the Mississippi Department of Human Services. Trained approximately 70 lawyers, paralegals and family masters in the law regarding said cases, trial preparation and the Mississippi Rules of Civil Procedure. Conducted well in excess of 100 child support and paternity trials as lead attorney.

**Attorney (June 2001 – October 2009)**

**Currie Johnson Griffin Gaines & Myers, PA, Jackson, MS**

Successfully engaged in a wide variety of litigation duties including trials, depositions, motion hearings, mediations, discovery and appeals. Other duties included opinion letter research in order to resolve insurance coverage issues. Primary practice involved defense of medical negligence claims, mass tort claims, and other insurance defense related litigation. Clerked with the firm during the summer of 2000.

**Legal Intern (Summer 1999)**

**Office of the Mississippi Attorney General, Opinions Division**

**Office of the Mississippi Attorney General, Jackson, MS**

Assisted in researching and drafting Official Opinions regarding questions of law submitted to the Attorney General by various city, county and state officials.

**Community Interests & Professional Involvement\_\_\_\_\_**

Member, Mississippi Bar, Capital Area Bar Association, American Bar Association

Volunteer, Mississippi Volunteer Lawyers Project

- Treasurer of the Board of Directors, 2009 – 2012

Member, St. Andrew's Episcopal Cathedral

- Vestry Member, 2009 - 2012
- Stewardship Chairman, FY 2010 (Co-chairman, FY 2009)
- Education for Ministry Graduate, 2008 (University of the South School of Theology, Sewanee, TN)

Volunteer, Juvenile Diabetes Research Foundation International

- President of the Board of Directors for the Mississippi Chapter, 2006 - 2008
- Vice President of the Board of Directors, 2003 - 2005
- JDRF Reds, Whites & Tunes Gala Co-chair, 2005



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Department of Finance and Administration

**MEMORANDUM**

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** January 9, 2014  
**RE:** Political Subdivisions – Certificates of Coverage

**RECOMMENDATION:** Staff recommends approval of 59 political subdivisions shown on attached list.

**MISSISSIPPI TORT CLAIMS BOARD**  
**THURSDAY, JANUARY 9, 2014**

**Political Subdivisions Recommended for Renewal of Certificates of Coverage**

Beaver Dam Drainage District  
Benton County Soil & Water Conservation District  
Black Lake Drainage District  
Brookhaven City Clerk  
Calhoun County Soil & Water Conservation District  
Coahoma Drainage District  
Corinth-Alcorn Airport  
Countyline Drainage District  
Desoto County Soil & Water Conservation District  
Eden City Clerk  
Fishing Bayou Drainage District  
Forrest County Soil & Water Conservation District  
George County Soil & Water Conservation District  
Greenwood Leflore Hospital  
Harris Bayou Master Water Management District  
Hopson Bayou Drainage District #1  
Hopson Bayou Drainage District #2  
Hopson Bayou Drainage District Main  
Issaquena County Board of Supervisors  
Issaquena County Soil & Water Conservation District  
Kemper-Newton Regional Library  
Kiln Utility & Fire Protection  
LSR Volunteer Fire Dept  
Lead Bayou Drainage District  
Lee County Soil & Water Conservation District  
Lincoln County Soil & Water Conservation District  
Lost Lake Drainage District  
Marks Drainage District  
Marshall County Board of Supervisors  
Meridian City Clerk  
Mississippi Coast Transit Authority

Monroe County Soil & Water Conservation District  
Moorhead Drainage District  
New Africa Drainage District  
Oldham Drainage District  
Otter Bayou Drainage District  
Panola County Soil & Water Conservation District  
Pearl River Community College  
Richton School District  
Scott County School Board  
Scott County Soil & Water Conservation District  
Second Creek Watershed Drainage District  
Sharkey County Board of Supervisors  
Sharkey County Soil & Water Conservation District  
Sharkey-Issaquena Library Association  
Short Bayou Drainage District  
Sledge Bayou Drainage District  
Smith County Board of Supervisors  
Smith County Soil & Water Conservation District  
South Madison County Fire Protection District  
South Sunflower County Hospital  
Southwest Mississippi Regional Medical Center  
Tippah River Drainage Commission  
Tishomingo County Soil & Water Conservation District  
Tupelo City Clerk  
Upper Quiver River Drainage District  
Warren County Board of Supervisors  
Wayne County Soil & Water Conservation District  
Waynesboro City Clerk

**Total Printed: 59**